

To: EOC OGC[EOC_OGC@epa.gov]
Cc: Feldman, Richard[Feldman.Richard@epa.gov]
From: Hess, Stephen
Sent: Thur 8/13/2015 9:37:26 PM
Subject: RE: STATEMENT on False Claims on Gold King Mine Reimbursement Process

Lee – As to the questions from the email below:

I had two questions:

1. What other ways are there through which people can apply for compensation?
2. Will these other ways also require people to waive off rights to future claims?

Best,

aditya

Attorney Client/Ex. 5

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Washington, D.C.

Mail Code: 2399A

Phone: 202-564-5461

From: Tyner, Lee **On Behalf Of** EOC OGC
Sent: Thursday, August 13, 2015 5:22 PM
To: Hess, Stephen
Subject: Fw: STATEMENT on False Claims on Gold King Mine Reimbursement Process

Can you help with this?

From: Senn, John on behalf of EOC Public Information
Sent: Thursday, August 13, 2015 5:06 PM
To: EOC OGC
Subject: Fw: STATEMENT on False Claims on Gold King Mine Reimbursement Process

Please see these two Qs from a reporter at Time--let me know what you think.

thanks,
John

From: Purchia, Liz
Sent: Thursday, August 13, 2015 5:01 PM
To: EOC Public Information
Subject: FW: STATEMENT on False Claims on Gold King Mine Reimbursement Process

Can you please help answer these two questions from OGC?

From: Agrawal, Aditya - Time U.S. <Aditya.Agrewal@time.com>
<<mailto:Aditya.Agrewal@time.com>>
Sent: Thursday, August 13, 2015 5:01 PM
To: Purchia, Liz
Subject: Re: STATEMENT on False Claims on Gold King Mine Reimbursement Process

Hi Liz,

I had two questions:

1. What other ways are there through which people can apply for compensation?
2. Will these other ways also require people to waive off rights to future claims?

Best,

aditya

From: <Purchia>, Liz <Purchia.Liz@epa.gov>

Date: Thursday, August 13, 2015 4:52 PM

To: "Purchia, Liz" <Purchia.Liz@epa.gov>

Subject: STATEMENT on False Claims on Gold King Mine Reimbursement Process

Below is a statement on inaccurate claims about the Gold King Mine response claims reimbursement process. Please ensure this is corrected in any story you may be working on.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on our website that:

“Standard Form 95 is **not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

Liz Purchia

Deputy Associate Administrator, Public Affairs

U.S. Environmental Protection Agency

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